



**Service of Process
Transmittal**

04/29/2020

CT Log Number 537602713

TO: SERVICEOF PROCESS
CVS Health Companies
1 CVS DR MAIL CODE 1160
WOONSOCKET, RI 02895-6146

RE: Process Served in Louisiana

FOR: CVS Health Solutions LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Ann Elizabeth Paul, Petitioner vs. CVS Health Solutions, LLC, Respondent
Name discrepancy noted.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # 00135848

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Baton Rouge, LA

DATE AND HOUR OF SERVICE: By Process Server on 04/29/2020 at 09:00

JURISDICTION SERVED : Louisiana

APPEARANCE OR ANSWER DUE: -

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 04/29/2020, Expected Purge Date: 05/04/2020
Image SOP
Email Notification, SERVICEOF PROCESS service_of_process@cvs.com

SIGNED: C T Corporation System
ADDRESS: 155 Federal St Ste 700
Boston, MA 02110-1727

For Questions: 800-448-5350
MajorAccountTeam1@wolterskluwer.com

CITATION

ANN ELIZABETH PAUL

VERSUS

CVS HEALTH SOLUTIONS, LLC

Case: 00135848

Division: E

State of Louisiana

16th Judicial District Court

Parish of Iberia

**To: CVS HEALTH SOLUTIONS, LLC
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS;
CT CORPORATION SYSTEM
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816**

of EAST BATON ROUGE Parish

You are hereby summoned to comply with the demand contained in the **PETITION** of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, the 16th Judicial District Court in and for the Parish of Iberia, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE AT NEW IBERIA, LOUISIANA, THIS
3rd DAY OF APRIL, 2020.

Clerk of Court
16th Judicial District Court
Parish of Iberia



Deputy Clerk of Court

Requested by:
J.P. D'ALBOR

[SERVICE COPY]

ANN ELIZABETH PAUL	*	16TH JUDICIAL DISTRICT COURT
	*	
VERSUS	*	DOCKET NUMBER: 135878-E
	*	
CVS HEALTH SOLUTIONS, LLC	*	IBERIA PARISH, LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Petitioner, **ANN ELIZABETH PAUL**, a person of the full age of majority and resident of New Iberia, Louisiana who, respectfully avers as follows:

1.

Made Defendant herein:

A) **CVS HEALTH SOLUTIONS, LLC**, a foreign limited liability company authorized to do and doing business within the State of Louisiana, and as such is in the jurisdiction of this Honorable Court and who may be served through its Registered Agent for service of process, CT Corporation System, 3867 Plaza Tower Drive, Baton Rouge, Louisiana 70816.

2.

Defendant is justly and truly indebted unto petitioner jointly, severally, and in solido, in an amount reasonable in the premises to be determined at the trial of the merits of this matter, together with legal interest from the date of judicial demand until paid, and for all costs and expenses incurred herein.

3.

On or about April 22, 2019, plaintiff, **ANN ELIZABETH PAUL**, was a patron at the CVS Pharmacy owned and operated by **CVS HEALTH SOLUTIONS, LLC**, in New Iberia, Iberia Parish, Louisiana. Upon information and belief, the premises located at 185 North Lewis Street, New Iberia, Louisiana is owned, operated, managed and controlled by defendant, **CVS HEALTH SOLUTIONS, LLC**.

4.

On the day in question, Plaintiff, **ANN ELIZABETH PAUL**, was inside the subject premises and walking down an aisle while shopping. Upon information and belief, store personnel were stocking merchandise on the shelf from a container owned by **CVS** and regularly used for storing merchandise. While shopping, plaintiff, **ANN ELIZABETH PAUL**, tripped on the merchandise bin in the aisle, which caused her to fall.

5.

Upon information and belief, defendant, **CVS HEALTH SOLUTIONS, LLC**, and its employees/personnel were negligent in leaving the bin in the aisle and creating a dangerous condition by failing to leave clear pathways for patrons, placing any warning signs and failing to keep the shopping aisles clear from any dangerous conditions, thus causing and contributing to the incident in question.

6.

The above described accident was not caused by any fault and/or negligence on part of the Plaintiff, **ANN ELIZABETH PAUL**, but was rather caused by the negligence of the defendant, its agents, and/or employees in the following non-exclusive particulars:

- A. A In creating a hazardous condition that caused and/or contributed to **ANN ELIZABETH PAUL'S** accident;
- B. In negligently placing a bin containing merchandise on and along the aisle floor;
- C. In allowing the existence of a dangerous condition;
- D. In failing to warn plaintiff, **ANN ELIZABETH PAUL**, of the dangerous conditions that were created by their actions;
- E. In failing to rectify a dangerous condition; and
- F. In failing to do what they could have done and should have done in order to avoid this accident.

7.

As a result of the aforesaid accident, plaintiff, **ANN ELIZABETH PAUL**, sustained permanent and severe injuries, including but not limited to injuries to her knees, hip, legs, back and body as a whole.

8.

As a result of the injuries sustained on April 22, 2019, plaintiff, **ANN ELIZABETH PAUL**, suffered damages, including but not limited to the following, to-wit:

- A) Past medical expenses;
- B) Future medical expenses;
- C) Past lost earnings;
- D) Future loss of earning capacity;
- E) Past and future pain and suffering;
- F) Past and future mental and emotional anguish;

- G) Past and future disability; and
- H) Past and future loss of enjoyment of life.

9.

Plaintiff, ANN ELIZABETH PAUL, is entitled to recover from defendant all damages as alleged herein and above, in such an amount as reasonable in the premises, together with legal interest thereon from and after date of judicial demand until paid, and for all cost of these proceedings.

WHEREFORE, plaintiff, ANN ELIZABETH PAUL, prays that defendant, CVS HEALTH SOLUTIONS, LLC, be served with a copy of this Petition for Damages and be cited to appear and answer hereto, and after the lapse of all legal delays and due proceedings had, there be judgment rendered herein and in favor of plaintiff, ANN ELIZABETH PAUL, and against defendant, CVS HEALTH SOLUTIONS, LLC, jointly and severally, for all such damages as are reasonable under the premises, together with legal interest from date of judicial demand until paid, and that defendant be required to pay all cost of these proceedings, as well as any and all additional and/or alternative relief as the law, equity or nature of the case may allow.

Respectfully submitted,

HAIK, MINVIELLE & GRUBBS, LLP

BY: _____

J. P. D'ALBOR (#27423)

1017 E. Dale Street
Post Office Box 11040
New Iberia, LA 70562-1040
Phone: (337) 365-5486
Attorney for Ann Elizabeth Paul

PLEASE SERVE:

CVS HEALTH SOLUTIONS, LLC
Through its Registered Agent
for Service of Process:
CT Corporation System
3867 Plaza Tower Drive
Baton Rouge, Louisiana 70816

Filed March 27, 2020
Signed: Linda F. Brunsaid, Dty. Clk.
A TRUE COPY:

ATTEST: Linda F. Brunsaid
Dty. Clerk of Court
Iberia Parish, La.

ANN ELIZABETH PAUL * 16TH JUDICIAL DISTRICT COURT
VERSUS *
CVS HEALTH SOLUTIONS, LLC * DOCKET NUMBER: 135848-E
* IBERIA PARISH, LOUISIANA

REQUEST FOR NOTICE OF DATE OF TRIAL, ETC.

TO THE CLERK OF COURT of the 16th Judicial District Court, in and for the Parish of Iberia, State of Louisiana:

Please take notice that **HAIK, MINVIELLE & GRUBBS** by **J. P. D'ALBOR**, attorney for plaintiff, **ANN ELIZABETH PAUL**, does hereby request written notice of the date of trial of the above matter as well as notice of hearings (whether on merits or otherwise), orders, judgments and interlocutory decrees, and any and all formal steps taken by the parties herein, the Judge or any member of Court, as provided by Louisiana Code of Civil Procedure of 1960, particularly Articles 572, 1913 and 1914.

Respectfully submitted,

HAIK, MINVIELLE & GRUBBS, LLP

BY: _____

J. P. D'ALBOR (#27423)

1017 E. Dale Street

Post Office Box 11040

New Iberia, LA 70562-1040

Phone: (337) 365-5486

Attorney for Ann Elizabeth Paul

Filed March 27, 2020

Signed: Linda F. Broussard, Dty. Clk.

A TRUE COPY:

ATTEST: Linda F. Broussard

Dty. Clerk of Court
Iberia Parish, La.

FILED
FOR RECORD

2020 MAY 28 PM 2:56

DEPUTY CLERK OF COURT
PARISH OF IBERIA, LA

ANN ELIZABETH PAUL * **16TH JUDICIAL DISTRICT COURT**
*
VERSUS * **DOCKET NUMBER: 135848-E**
*
LOUISIANA CVS PHARMACY, LLC * **IBERIA PARISH, LOUISIANA**

AMENDED AND RESTATED PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Petitioner, **ANN ELIZABETH PAUL**, a person of the full age of majority and resident of New Iberia, Louisiana who, respectfully amends and restates the Petition for Damages previously filed herein as follows:

I.

ANN PAUL re-avers and re-alleges all of the allegations contained in her original Petition for Damages, except the allegations contained herein which are in conflict therewith.

II.

Petitioner wishes to amend the caption of her original Petition for Damages to read as follows:

"ANN ELIZABETH PAUL * **16TH JUDICIAL DISTRICT COURT**
*
VERSUS * **DOCKET NUMBER: 135848-E**
*
LOUISIANA CVS PHARMACY, LLC * **IBERIA PARISH, LOUISIANA."**

III.

Petitioner wishes to amend Paragraph 1 of her original Petition for Damages as follows:

"1.

Made Defendant herein:

- A) LOUISIANA CVS PHARMACY, LLC**, a foreign limited liability company authorized to do and doing business within the State of Louisiana, and as such is in the jurisdiction of this Honorable Court and who may be served through its Registered Agent for service of process, CT Corporation System, 3867 Plaza Tower Drive, Baton Rouge, Louisiana 70816."

IV.

Petitioner wishes to amend Paragraph 3 of her original Petition for Damages as follows:

“3.

On or about April 22, 2019, plaintiff, **ANN ELIZABETH PAUL**, was a patron at the CVS Pharmacy owned and operated by **LOUISIANA CVS PHARMACY, LLC**, in New Iberia, Iberia Parish, Louisiana. Upon information and belief, the premises located at 185 North Lewis Street, New Iberia, Louisiana is owned, operated, managed and controlled by defendant, **LOUISIANA CVS PHARMACY, LLC.**”

V.

Petitioner wishes to amend Paragraph 5 of her original Petition for Damages as follows:

“5.

Upon information and belief, defendant, **LOUISIANA CVS PHARMACY, LLC**, and its employees/personnel were negligent in leaving the bin in the aisle and creating a dangerous condition by failing to leave clear pathways for patrons, placing any warning signs and failing to keep the shopping aisles clear from any dangerous conditions, thus causing and contributing to the incident in question.”

VI.

Petitioner wishes to amend and change the prayer of the original Petition for Damages to read as follows:

“**WHEREFORE**, plaintiff, **ANN ELIZABETH PAUL**, prays that defendant, **LOUISIANA CVS PHARMACY, LLC**, be served with a copy of this Petition for Damages and be cited to appear and answer hereto, and after the lapse of all legal delays and due proceedings had, there be judgment rendered herein and in favor of plaintiff, **ANN ELIZABETH PAUL**, and against defendant, **LOUISIANA CVS PHARMACY, LLC**, jointly and severally, for all such damages as are reasonable under the premises, together with legal interest from date of judicial demand until paid, and that defendant be required to pay all cost of these proceedings, as well as any and all additional and/or alternative relief as the law, equity or nature of the case may allow.”

WHEREFORE, Petitioner, **ANN ELIZABETH PAUL**, prays that this First Amended and Restated Petition for Damages be filed and after due proceedings had, there be judgment rendered herein and in favor of plaintiff, **ANN ELIZABETH PAUL**, and against defendant, **LOUISIANA CVS PHARMACY, LLC**, jointly and severally, for all such damages as are reasonable under the premises, together with legal interest from date

of judicial demand until paid, and that defendant be required to pay all cost of these proceedings, as well as any and all additional and/or alternative relief as the law, equity or nature of the case may allow.

Respectfully submitted,

HAIK, MINVIELLE & GRUBBS, LLP

BY: _____

J. P. D'ALBOR (#27423)

1017 E. Dale Street

Post Office Box 11040

New Iberia, LA 70562-1040

Phone: (337) 365-5486

Attorney for Ann Elizabeth Paul